**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

NETCHOICE, LLC d/b/a NETCHOICE, a
501(c)(6) District of Columbia organization, and
COMPUTER & COMMUNICATIONS
INDUSTRY ASSOCIATION d/b/a CCIA, a
501(c)(6) non-stock Virginia corporation,

      Plaintiffs,

v.

KEN PAXTON, in his official capacity as Attorney
General of the State of Texas,

      Defendant.

**Civil Action No.
1:21-cv-00840-RP**

**AMICI CURIAE CHAMBER OF PROGRESS,
CONNECTED COMMERCE COUNCIL, CTA®, ENGINE ADVOCACY,
INFORMATION TECHNOLOGY & INNOVATION FOUNDATION, NATIONAL
BLACK JUSTICE COALITION, PROGRESSIVE POLICY INSTITUTE, TECHNET,
WASHINGTON CENTER FOR TECHNOLOGY POLICY INCLUSION, AND
HISPANIC TECHNOLOGY AND TELECOMMUNICATIONS PARTNERSHIP'S
MOTION FOR LEAVE TO FILE BRIEF AS *AMICI CURIAE***

Chamber of Progress, Connected Commerce Council, CTA®, Engine Advocacy,

Information Technology & Innovation Foundation, National Black Justice Coalition, Progressive

Policy Institute, Technet, Washington Center for Technology Policy, and Hispanic Technology

and Telecommunications Partnership's (Collectively, "Amici"), pursuant to Federal Rule of Civil

Procedure 7, move for leave to file the attached brief as *amici curiae* in support of Plaintiffs'

Motion for Preliminary Injunction (Dkt. No. 8-2).

Pursuant to Local Rule CV-7(i), counsel for *Amici* conferred with counsel for Plaintiffs

and Defendant. Counsel for plaintiffs is not opposed to this motion. Counsel for defendant is

opposed.

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ARGUMENT

The Court has inherent authority to allow the participation of *amici*. *Pacheco v. Freedom Buick GMC Truck, Inc.*, Cause No. MO-10-CV-116, 2011 WL 13234884, at *1 (W.D. Tex. Nov. 1., 2011) (collecting cases). Although this Court does not have specific rules governing briefs of *amicus curiae*, Federal Rule of Appellate Procedure 29(b) provides an appropriate analogy. Under Rule 29(b), a movant must (1) explain its interest, (2) the reason why an amicus brief is desirable, and (3) why the matters asserted are relevant to the case.

Here, *Amici* are all organizations whose members or constituency will be subjected to the House Bill 20 ("H.B. 20"), the law at issue in this action, just as plaintiffs will be. H.B. 20 poses a danger to *Amici's* constituencies by restricting social medial platforms' decisions on how to edit, curate and publish content. H.B. 20 goes even further in that it places online providers at risk of legal liability for exercising their First Amendment rights to moderate content on their platforms.

The attached brief of *Amici Curiae* details the real-world restrictions H.B. 20 will place on online platforms' protected expressive activity and the resulting negative outcome for consumers. *Amici* seek to help the court in deciding Plaintiffs' motion by explaining how H.B. 20 will negatively impact online communities, threaten their rights of freedom of speech and association and harm the goal of an open Internet.

Amici hereby submit the attached *amici curiae* brief to aid the Court in its consideration of the pending Plaintiffs' Motion for Preliminary Injunction. The Court should grant the motion for leave to file an *amici* brief.

Dated: October 7, 2021

Respectfully Submitted,

/s/ W. Reid Wittliff
W. Reid Wittliff
Texas State Bar No. 00791951
reid@wittliffcutter.com

WITTLIFF | CUTTER PLLC
1209 Nueces St.,
Austin, Texas 78701
T: (512) 960-4866
F: (512) 960-4869

COUNSEL FOR AMICI CURIAE

CERTIFICATE OF CONFERENCE

I hereby certify that on October 7, 2021, counsel for Amici conferred with counsel for Plaintiffs, and counsel for plaintiffs stated they are not opposed to Amici's motion. Counsel also conferred with counsel for Defendant, and Counsel for Defendant indicated that they are opposed to the motion.

/s/ W. Reid Wittliff
W. Reid Wittliff

CERTIFICATE OF SERVICE

I hereby certify that on the 7th day of October 2021, the foregoing *Motion for Leave to File Brief as Amici Curiae* was filed with the Clerk of the Court and served on all counsel of record in this case using the Court's CM/ECF system.

/s/ W. Reid Wittliff
W. Reid Wittliff